

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JACQUES RIVETTE,

Petitioner,

9:06-CV-1039
(DNH)(DRH)

v.

JOSEPH SMITH, Superintendent,

Respondent.

APPEARANCES:

OF COUNSEL:

OFFICE OF FRANCIS A. ALOI
Counsel for petitioner

FRANCIS A. ALOI, ESQ.

DAVID R. HOMER, U.S. MAGISTRATE JUDGE

ORDER

By Order of this Court filed October 6, 2006, proceedings in this matter were stayed in order to afford petitioner the opportunity to fully exhaust his state court remedies with respect to the claims asserted in his petition for habeas corpus relief. Dkt. No. 3.

By letter dated January 16, 2007, petitioner's counsel advised the Court that the state court proceedings were concluded and that petitioner's claims are now fully exhausted. Dkt. No. 4.

Based upon the foregoing, the stay of this matter is **lifted**.

WHEREFORE, it is hereby

ORDERED, that the stay of this matter is **lifted**, and it is further

ORDERED, that the Clerk serve a copy of this Order together with the petition and memorandum of law by regular mail upon the respondent and the Attorney General of the State of New York, and it is further

ORDERED, that within sixty-five (65) days of the date of the filing of this Order, the respondent file and serve an answer or other pleading to the petition, and it is further

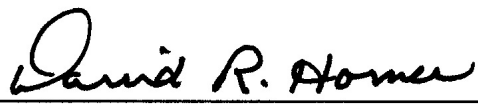
ORDERED, that upon the filing of such answer or other pleading, the Clerk is directed to forward the file to the court, and it is further

ORDERED, that all pleadings, motions or other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. Any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of same was served on all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a proper certificate of service will be returned, without processing. All parties must comply with Rule 7.1 of the Northern District of New York in the filing of motions, which are to be made returnable before the assigned magistrate judge on any business day with proper allowance for notice as required by the Rules, and it is further

ORDERED, that the Clerk serve a copy of this Order on petitioner's counsel.

IT IS SO ORDERED.

Dated: February 13, 2007
Albany, New York


United States Magistrate Judge